

"Vietnam: The Human Rights Dialogue with Vietnam: Is Vietnam Making Significant Progress?"

Wednesday, March 29, 2006

A Strategic Opportunity: Linking Human Rights & Bilateral Interests

Mr. Chairman and Members of the Committee, let me begin by thanking you on behalf of the U.S. Commission on International Religious Freedom for holding this hearing.

Relations between the United States and Vietnam in recent years have strengthened and improved in several important areas. Commercial and military ties are expanding rapidly. Vietnam's Prime Minister made an historic visit to the United States in June 2005 and President Bush is scheduled to visit Vietnam in November.

Improving bilateral relations are important as our two countries move past a tragic history toward a better future--regrettably, significant issues still remain.

Vietnam's human rights record remains poor. Freedoms of speech, assembly, association, and religion continue to be restricted-and abuses in these areas still occur. Although Vietnam is in some respects a less repressive society now than ten or fifteen years ago, we should not conclude that Vietnam's economic openness has led directly to political openness or greater respect for human rights.

Unfortunately, the hope of some that Vietnam's progress toward WTO membership would bring about legal reform, transparency, and improvements in human rights has not been fulfilled. There has not been a direct correlation between economic and individual freedoms.

As Vietnam continues to expand the boundaries of economic freedom, the United States should continue to encourage Vietnam to uphold its international commitments on human rights

and religious freedom. This includes full implementation of the May 5, 2005 agreement Vietnam signed with the U.S. government to improve religious freedom.

Vietnam & Religious Freedom

Mr. Chairman, the Commission remains particularly concerned about current religious freedom conditions in Vietnam.

Vietnam has been one of the Commission's highest priorities over the past several years. The Commission and its staff have traveled to Vietnam. We regularly meet with Vietnamese officials and religious leaders. We continue to work with Congress and the Administration on diplomatic and policy solutions to improve religious freedom in Vietnam.

Over the past fifteen years, the government of Vietnam has slowly carved out a noticeable "zone of toleration" for government approved religious practice. If you visit Vietnam, you will be able to observe religious activity in many places and by persons of many faiths. But the presence of religious practice does not necessarily mean the presence of religious freedom. Some Vietnamese practice their faith with few restrictions. Too many other Vietnamese people do not.

Based on information we have gathered from sources within Vietnam, we do not think the May 5, 2005 agreement, signed by the U.S. and Vietnam to improve religious freedom conditions has been fully implemented over the past year. There have been positive developments that signal a new commitment to protect religious freedom, but those developments have only slowly emerged over the past eight months and significant restrictions and abuses remain.

There have been slight improvements in law and practice for some Vietnamese religious groups following the issuing of a new Ordinance on Religious Affairs and corresponding implementation regulations. In addition, we have learned that Vietnamese officials have recently begun contacting religious leaders to discuss registration requirements. But the overall protection of religious freedom remains poor and legal protections are often ignored or poorly understood. In addition, national security or national solidarity provisions of the penal code trump all potential religious freedom protections.

In the last year, the Vietnamese government released some significant religious prisoners, officially outlawed forced recantations of faith, issued new guidelines to help speed the process of registration, registered 29 religious venues in the Central Highlands and allowed hundreds more to operate prior to registration. In addition, restrictions on Catholics and the majority of Buddhist practice continue to ease.

These positive developments are a direct result of persistent diplomatic engagement, ongoing international attention to Vietnam's human rights problems, and Vietnam's own interest in joining the international community-including WTO membership.

Yet, despite positive developments, restrictions and some abuses continue and vary by region, religious affiliation, and ethnicity. Hanoi remains highly suspicious of Montagnard and Hmong (MUNG) Protestants, Vietnamese Mennonites, followers of Hoa Hao (WAH HOW) Buddhism, and the banned United Buddhist Church of Vietnam (UBCV).

In June 2005, the Commission submitted testimony to this Subcommittee offering specific instances of abuse and restrictions of religious freedom. Let me offer additional examples of instances that have occurred since last June or which have recently been documented by our staff.

- Coerced recantations of faith are still reported, particularly among Hmong and Montagnard Protestants. We have documented numerous cases of ethnic Protestant activists in Vietnam being forced to recant and sometimes being tortured and mistreated in detention.

- Local officials confiscated the land of Hmong Christians in Lao Cai (La Chai) Province last April, destroyed the homes of Hre (REE) Christians in Quang Ngai (KWANG NIGH) Province in August, 2005, and the beat Hmong leaders in Ha Giang (HAH G-EN) Province in September, 2005.

- In addition, just last month, the chief of police in Tung Ba (TUNG BA) Commune, Ha Giang (HAH G-EN) Province admitted that he raided a Hmong Christian worship service on January 1, 2006. The police chief said he **"caught 20 people red-handed illegally singing. We seized 14 books and one radio from them."**

"We told them to stop practicing that religion because it is illegal."

- Pressures remain on the UBCV leadership. Thich Quang Do (TIC KWON DOE) and Thich Huyen Quang (TIC JUAN KWON) are still restricted in their contacts and movement. At

least 13 other senior UBCV monks remain under some form of administration probation or actual “pagoda arrest.” In February 2006, Thich Quang Do (TIC KWON DO) was detained after trying to board a train to visit Thich Huyen Quang (TIC JUAN KWON). He was released after a few hours, but was not allowed to travel. Charges against UBCV leaders for “possessing state secrets,” first issued in October 2004, have not been rescinded.

- Arrests and harassment of members of the Hoa Hao (WA HOW) religious minority have increased in the past year. In September 2005, Hoa Hao monk Vo Van Thanh Liem (VO VAN THAN LEEM), who had submitted written testimony on human rights to this Subcommittee, was sentenced to nine years of imprisonment. At least six other Hoa Hao (WA HOW) members were sentenced to prison during 2005.

- On a positive note, Vietnamese authorities continue to slowly open some of the 450 religious venues closed since 2001. By our count, 29 churches legally re-opened last year. Officials in Gai Lai (JA LIE) Province seem to be allowing additional “home meeting points” to operate before they are legally recognized. Similar reports are emerging from Kontum (KON TOMB) and Binh Phuoc (BIN PHOOK). However, it seems that there is little movement on church openings in Dak Lak (DAHK LAHK) Province.

- Hmong (MUNG) Protestants have encountered the most problems in seeking legal recognition. Authorities in the northwest provinces have steadfastly refused to acknowledge the legal existence of a reported 1,110 Protestant churches in the northwest provinces. Approximately 200 Hmong churches have applied for registration under the new law, but they have encountered numerous obstacles from authorities.

- There are at least six religious prisoners and fifteen others being held in some form of administrative detention. The number is probably much higher since religiously-related detainees from the 2001 and 2004 demonstrations for religious freedom in the Central Highlands are being held under “national security” and national solidarity provisions of the legal code.

- In the last year, Vietnam has eased some restrictions on Catholicism. In January 2006, a special envoy from Rome made the first visit by a senior official from the Vatican since 1954 and presided over the ordination of 57 priests at a ceremony in Hanoi. In addition, a new Archbishop was named for Ho Chi Minh City in 2005. Although relations between Vietnam and the Vatican have improved in recent years, the government continues to require prospective seminarians to obtain government permission before entering the seminary and receiving ordination and maintains defacto veto power over Roman Catholic ordinations and appointments.

Regarding Religious Freedom: Is the Glass Half-Full of Half-Empty?

As was highlighted by Ambassador Hanford in his testimony, Vietnam has seriously engaged on the issue of religious freedom with the United States. Vietnamese officials have told the Commission that since the CPC designation, they now realize that “religious freedom concerns are issues that have to be addressed to improve bilateral relations.”

Ambassador Hanford should be commended for the time and effort he has invested in Vietnam. We should see any progress in Vietnam as evidence that both vigorous diplomatic action and the use of the CPC designation produced results that might lead to future improvements in religious freedom in Vietnam.

In the past eight months, we have seen some critical diplomatic engagement on religious freedom concerns, we have seen new regulations issued that promise some protections for religious minorities if applied consistently, and we have seen several prisoners released.

Mr. Chairman, we recognize some advances in religious freedom conditions and we have noted continued concerns. We are not arguing over whether the glass is half-full or half-empty. We just do not know if the glass, so recently constructed, will continue to hold any water.

Will legal developments hold in a country where the rule of law is not fully functioning? Are changes only cosmetic, intended to increase Vietnam's ability to gain WTO membership and pass a Congressional vote on PNTR?

Religious prisoners remain behind bars, churches remain closed, forced renunciations of faith continue, as do restrictions on and harassment of all of Vietnam's diverse religious communities. All these abuses occur less frequently than in the past; however, there remain serious concerns in all these areas.

Though promises of future improvement are encouraging, we should not reward Vietnam too quickly by lifting the CPC designation or downplaying human rights concerns to advance economic or military interests.

Policy Recommendations:

The Commission's 2005 Annual Report includes policy recommendations that we believe can improve U.S. human rights diplomacy for Vietnam. In general, the Commission recommends

that U.S. diplomatic and assistance programs be expanded and re-prioritized to directly promote freedom of religion and related human rights in Vietnam. Non-humanitarian assistance programs have been declining in Vietnam, except for new HIV/AIDS funding and assistance programs to help Vietnam enter the WTO. We believe that new public diplomacy, economic development, and technical assistance programs should be targeted to address the roots of ongoing human rights problems.

We have also made specific recommendations for Congressional and Administration action in the areas of public diplomacy, economic development, education, good governance, and rule of law programs for Vietnam.

I have included a copy of the Commission's recommendations as part of my testimony and ask that it be made part of the record.

Let me highlight one of our past policy recommendations in order to commend Congressional action and urge full implementation of appropriated funds.

Last year, in the conference report to HR 3057, the Foreign Operations Appropriation's Bill, Congress agreed to provide \$2,000,000 for programs to address the needs of affected communities and individuals in the Central Highlands of Vietnam, including creation of a Montagnard Development Fund.

Mr. Chairman, we believe that the creation of a Montagnard Development Fund may address some of the core economic problems that are related to religious freedom abuses targeting Vietnam's ethnic minorities. We urge that the appropriated funds be quickly allocated, that NGOs will be able to operate freely in Central Highlands, and that development projects be expanded for Vietnam's northwest provinces as well. We also urge that the funds appropriated by Congress be prioritized for ethnic and religious minority communities in areas experiencing significant human rights problems.

Conclusion:

The U.S. Government and its officials must continue to speak with one strong voice on human rights, including religious freedom. We must continue to convey to senior Vietnamese leaders that religious freedom is a top priority to us, that it is a critical issue in our bilateral relationship, and that the central Government must take concerted action to end abuses and harassment of religious believers.

We must continue to make clear that it is incumbent on the leadership of Vietnam to take their country on the path towards openness, prosperity, and freedom. Better U.S. and Vietnamese relations depend on it.